GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

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SENATE DRS15045-LU-52* (02/11)

Short Title:	Est. DV Fatality Review Team/Mecklenburg Co.	(Local)
Sponsors:	Senator Dannelly.	
Referred to:		

1 A BILL TO BE ENTITLED 2 AN ACT ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND 3 PROTECTION REVIEW TEAM IN MECKLENBURG COUNTY. 4 Whereas, the General Assembly finds that it is the public policy of this State to 5 prevent domestic violence fatalities; and Whereas, the General Assembly further finds that the prevention of these fatalities is 6 7 a community responsibility and professionals from disparate disciplines have expertise that can 8 promote the safety and well-being of victims of domestic violence; and 9 Whereas, multidisciplinary reviews of these deaths can lead to a greater 10 understanding of the causes and methods of preventing these deaths; and 11 Whereas, according to the North Carolina Coalition Against Domestic Violence, 12 there were 81 domestic violence-related homicides in the State in 2008; and 13 Whereas, according to the Charlotte Mecklenburg Police Department, there were 11 14 domestic violence-related homicides in Charlotte, North Carolina, in 2008; and 15 Whereas, the Charlotte Mecklenburg area is a leader throughout the State with its 16 innovative domestic violence programming and services, yet there remains a disconnect when 17 it comes to the rate of domestic violence-related homicides; and 18 Whereas, there is a need to increase safety of citizens with one strategy mitigating the effect of abuse by increasing the safety of victims of domestic violence, exploring 19 20 circumstances from a strengths perspective to allow professionals to gain clarity in the continued needs of the community; and 21 22 Whereas, precedence has been established in this area as similar statutes are already 23 in existence, such as the North Carolina Child Fatality Prevention System, which outlines the 24 course of action for a statewide disciplinary team to review child fatalities; and Whereas, establishing a Domestic Violence Fatality Prevention and Protection 25 Review Team will be modeled after the North Carolina Child Fatality Prevention Team, with 26 27 potential members representing a cross section of community service providers, including 28 health, mental health, social services, law enforcement, courts, school professionals, and other 29 domestic violence service providers; and 30 Whereas, by creating legislation that protects professionals from confidentiality 31 violations in specific cases where domestic violence-related homicides have occurred, the 32 effectiveness of this project will be increased; Now, therefore, 33 The General Assembly of North Carolina enacts: SECTION 1.(a) Domestic Violence Fatality Prevention and Protection Review 34 Team. – A county may establish a multidisciplinary Domestic Violence Fatality Prevention and 35



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1	Protection Revi	ew Team to identify and review domestic violence-related	deaths, including
2		suicides, and facilitate communication among the varie	ous agencies and
3	-	volved in domestic violence cases to prevent future fatalities.	
4	SEC	TION 1.(b) Definitions. – The following definitions apply in	
5	(1)	Domestic violence fatality. – The death of a person, 18 year	0
6		that is the result of an act of domestic violence as defined in	
7 8	(2)	Review team. – The Domestic Violence Fatality Preventi Review Team.	on and Protection
8 9	SEC		of a load agapay
		TION 1.(c) Composition. – The Review Team shall consist	
10		pport Services of Charlotte, North Carolina, and representation	-
11		cies in the community that provide services to victims or far	nines of domestic
12	violence, includ	0	~~~~
13	(1)	A representative from a domestic violence victim's service	group.
14	(2)	An attorney from the local district attorney's office.	
15	(3)	Local law enforcement personnel.	
16	(4)	A representative from the local medical examiner's office.	
17	(5)	A representative from the local department of social service	es.
18	(6)	A representative from the local health department.	
19	(7)	A representative from an area mental health authority.	
20	(8)	A representative from the local public schools.	
21	(9)	A representative from a health care system.	
22	(10)	Local medic or emergency services personnel.	
23	(11)		
24		TION 1.(d) Powers and Duties of the Review Team. – The R	
25		ur times each year. To accomplish the purposes of this act,	the Review Team
26	shall:		
27	(1)	Study the incidences and causes of death by domestic	
28		behavior in the community. The study shall include a	•
29		community, private, and public agency involvement with	the decedent and
30		family members prior to death.	
31	(2)	Develop a system for multidisciplinary review of domesti	c violence-related
32		deaths.	
33	(3)	Examine the laws, rules, and policies relating to confidentia	ality.
34	(4)	Access information that affects the agencies that pro	vide intervention
35		services to determine whether those laws, rules, and polici	es inappropriately
36		impede the exchange of information necessary to protect vi	ictims of domestic
37		violence and recommend any necessary changes.	
38	(5)	Perform any other studies, evaluations, or determinations	the Review Team
39		considers necessary to carry out its mandate.	
40	(6)	Make recommendations for system improvements and	needed resources
41	~ /	where gaps and deficiencies may exist.	
42	(7)	In addition to any other duties outlined in this act, the	lead agency shall
43		develop a written plan outlining standard operating plan	
44		following:	
45		a. Appointing Review Team members and a chair.	
46		b. Establishing other Review Team duties and respons	ibilities.
47		c. Establishing terms of service for Review Team mer	
48		d. Establishing the procedure for filling vacancies.	
49		e. Maintaining confidentiality policies consistent with	applicable laws.
50		f. Training Review Team members.	TT
51		g. Establishing a meeting schedule.	
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	h. Maintaining a record of official meetings, including minutes and
	those in attendance.
	i. Establishing a process to initiate case review.
	j. Reporting annually to the local board of county commissioners and
	the Governor's Crime Commission.
	SECTION 1.(e) Access to Records. – The Review Team, during its existence, shall
	have access to all medical records, hospital records, and records maintained by the county or
	any local agency as necessary to carry out the purposes of this act, including police
	investigations data, medical examiner investigative data, health records, mental health records,
	and social services records. Any member of the Review Team may share relevant information in an official Review Team meeting only.
	SECTION 1.(f) Confidentiality; Immunity. – All otherwise confidential
	information and records acquired by the Review Team, during its existence and in the exercise
	of its duties, shall: (i) be confidential; (ii) not be subject to discovery or introduction into
	evidence in any proceedings; and (iii) only be disclosed as necessary to carry out the purposes
	of the Review Team. No member of the Review Team or any person who attends a meeting of
	the Review Team may testify in any proceeding about what transpired at a particular meeting,
	information presented at the meeting, or opinions formed by a person as a result of the meeting.
	This section shall not prohibit a person from testifying in a civil or criminal action about
	matters within that person's independent knowledge.
	Each member of the Review Team and any invited participants shall sign a
Ì	statement indicating an understanding of and adherence to confidentiality requirements,
	including the possible civil or criminal consequences of any breach of confidentiality.
	Persons disclosing or providing information or records pursuant to this act are not
	criminally or civilly liable for disclosing or providing the information. Review Team members
	are immune from claims of liability, and confidential information gathered pursuant to this act
	is not subject to subpoena or discovery.
	Access to criminal investigative reports and criminal intelligence information of
	public law enforcement agencies and confidential information in the possession of the Review
	Team shall be governed by G.S. 132-1.4. Nothing herein shall be deemed to require the
	disclosure or release of any information in the possession of a district attorney.
	SECTION 2. A county establishing a Review Team pursuant to this act shall
	operate for a period of five years from the date this act becomes effective.
	SECTION 3. Each Review Team established pursuant to this act shall issue an
	interim report to the local board of county commissioners and the Governor's Crime
	Commission summarizing its findings and activities by June 15, 2011, and a final report with
	recommendations for action by June 15, 2014. The reports shall not identify the specific cases
	or case reviews that led to the individual Review Team's findings and recommendations. SECTION 4. This act shall not be construed to obligate the General Assembly to
	appropriate funds to implement the provisions of this act.
	SECTION 5. This act applies to Mecklenburg County only.
	SECTION 6. This act is effective when it becomes law.